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January 8, 2021

**VIA ECF**

Hon. Claire C. Cecchi  
United States District Court  
District of New Jersey  
Martin Luther King, Jr. Federal Building  
& U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

Re: In re Biogen '755 Patent Litigation, C.A. No. 10-2734 (CCC)(MF)

Dear Judge Cecchi:

I write on behalf of Defendant Bayer HealthCare Pharmaceuticals Inc. ("Bayer") regarding the above-captioned matter. As the Court will recall, Biogen MA Inc.'s case involving Bayer and Novartis Pharmaceuticals Corp. ("Novartis") was severed from its case against Defendants EMD Serono, Inc. and Pfizer Inc. (collectively, "the Serono defendants") but remains pending under the same case number. ECF No. 743.

Because the sole patent claim asserted against Bayer (claim 1 of U.S. Patent No. 7,588,755) is invalid under the Federal Circuit's decision in the Serono defendants' case, *Biogen MA Inc. v. EMD Serono, Inc.*, 976 F.3d 1326, 1335, 1337 (Fed. Cir. 2020), Bayer is entitled to final judgment. In view of the Serono defendants' letter request for entry of judgment in its case, ECF Nos. 1110, 1111, Bayer writes to advise the Court that Bayer intends to file a motion for judgment on or before January 15, 2021. Bayer understands that Novartis intends to join in this motion.

Greenbaum Rowe  
Smith & Davis LLP

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We thank the Court for its consideration and assistance in this matter.

Respectfully submitted,

GREENBAUM, ROWE, SMITH & DAVIS LLP

*/s/ C. Brian Kornbrek*

C. BRIAN KORNBREK

CBK/mep

cc: Counsel of Record via ECF and email